

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

FILED
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U.S. DISTRICT COURT
N.D. OF ALABAMA

TOMMY WAYNE HELTON,

Plaintiff,

vs.

CV 97-N-1780-NE

JOE WHISANTE,

Defendant.

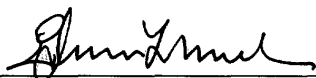
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MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 23, 1997, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted. An appropriate order will be entered.

DATED this 7th day of Nov., 1997.


EDWIN L. NELSON
UNITED STATES DISTRICT JUDGE

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